



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

30-Day Notice

Issue Date: July 8, 2009
Expiration Date: August 6, 2009
Corps of Engineers No: NWP-2009-188
Oregon Department of State Lands No: 42845-RP

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Michele E. Hanson
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Mr. Ed Istel
KOGAP Enterprises, Inc.
115 Stewart Avenue
Medford, Oregon 97501-3607

Location: The project is located in Medford, Jackson County, Oregon. The 80-acre site is at the southwest corner of Highway 99 and Stewart Avenue.

Waterway: Hansen Creek

Project Description: KOGAP Enterprises, Inc. (KOGAP) proposes to fill up to 2580 linear feet of a channelized reach of Hansen Creek for a residential development. The creek segment averages about 25 feet wide, including the riparian area, with nearly vertical banks, a straight channel and no riparian buffer. Wetland consists of a thin strip below the ordinary high water mark dominated by reed canary grass.

Stormwater runoff from new impervious surfaces would be pretreated using natural best management practices prior to discharge into the restored creek discussed below.

Mitigation: The applicant has provided a proposed compensatory wetland mitigation plan for aquatic impacts associated with filling a segment of Hansen Creek. KOGAP would replace the affected 2580-foot long segment with a new 3020-foot long segment constructed in upland and incorporated into the development. The constructed segment would have increased sinuosity, reduced bank slopes, channel diversity and riparian vegetation consisting of native streamside species and landscape plantings exterior to the walking paths. The average width, including the planted riparian area would be 100 feet.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: Provide residential housing in the Medford Metropolitan area.

Drawing(s): Eight (8) drawings are attached and labeled NWP-2009-188.

Additional Information: Additional information may be obtained from Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or email Michele.e.hanson.usace.army.mil.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

Cultural Resources: An initial evaluation of the proposed project area indicates to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Corps of Engineers No: NWP-2009-188
Oregon Department of State Lands No: 42845-RF

Notice Issued: July 8, 2009
Written Comments Due: August 6, 2009

WHO IS THE APPLICANT: Mr. Ed Istel
KOGAP Enterprises, Inc.
115 Stewart Avenue
Medford, Oregon 97501-3607

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

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WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Suite 400, Portland, Oregon 97201-4987. Other project materials are available by contacting the Corps per the attached public notice.

While not required, scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5552.

Any questions on the water quality certification process may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0032 (2) states that “ The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.”

Written comments:

Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on the date specified in the upper right section on page one of this notice. Written comments may be emailed, mailed or faxed as described below:

Email - 401publiccomments@deq.state.or.us

Mail - Oregon Department of Environmental Quality, Northwest Region
2020 S.W. 4th Avenue Suite 400
Portland, Oregon 97201-4987
Attn: 401 Water Quality Certification Coordinator

Fax - (503) 229-6957

People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be mailed in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ's final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

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USGS Medford, Oregon, United States 01 Jul 1991

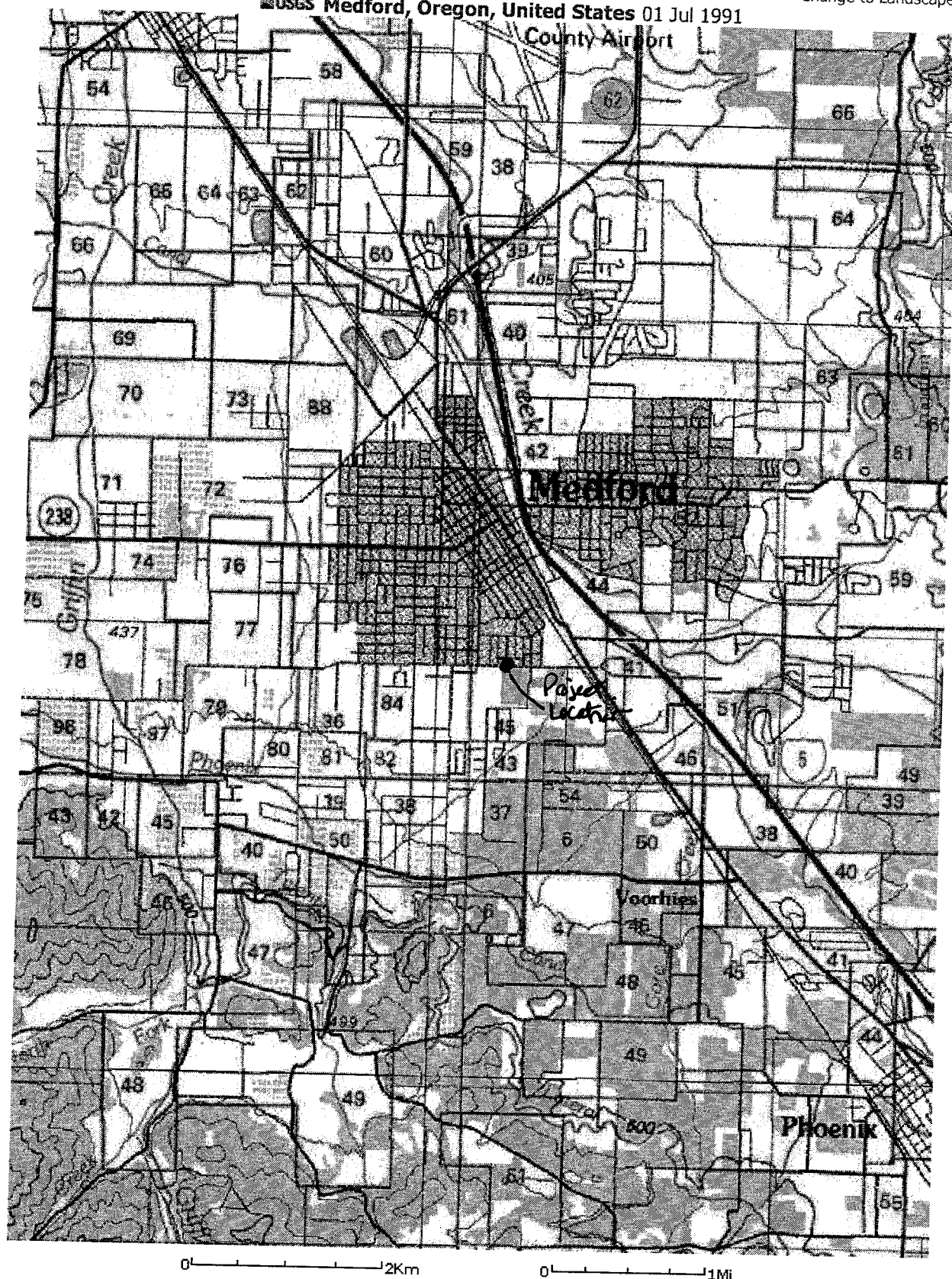


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USGS Medford, Oregon, United States 01 Jul 1983

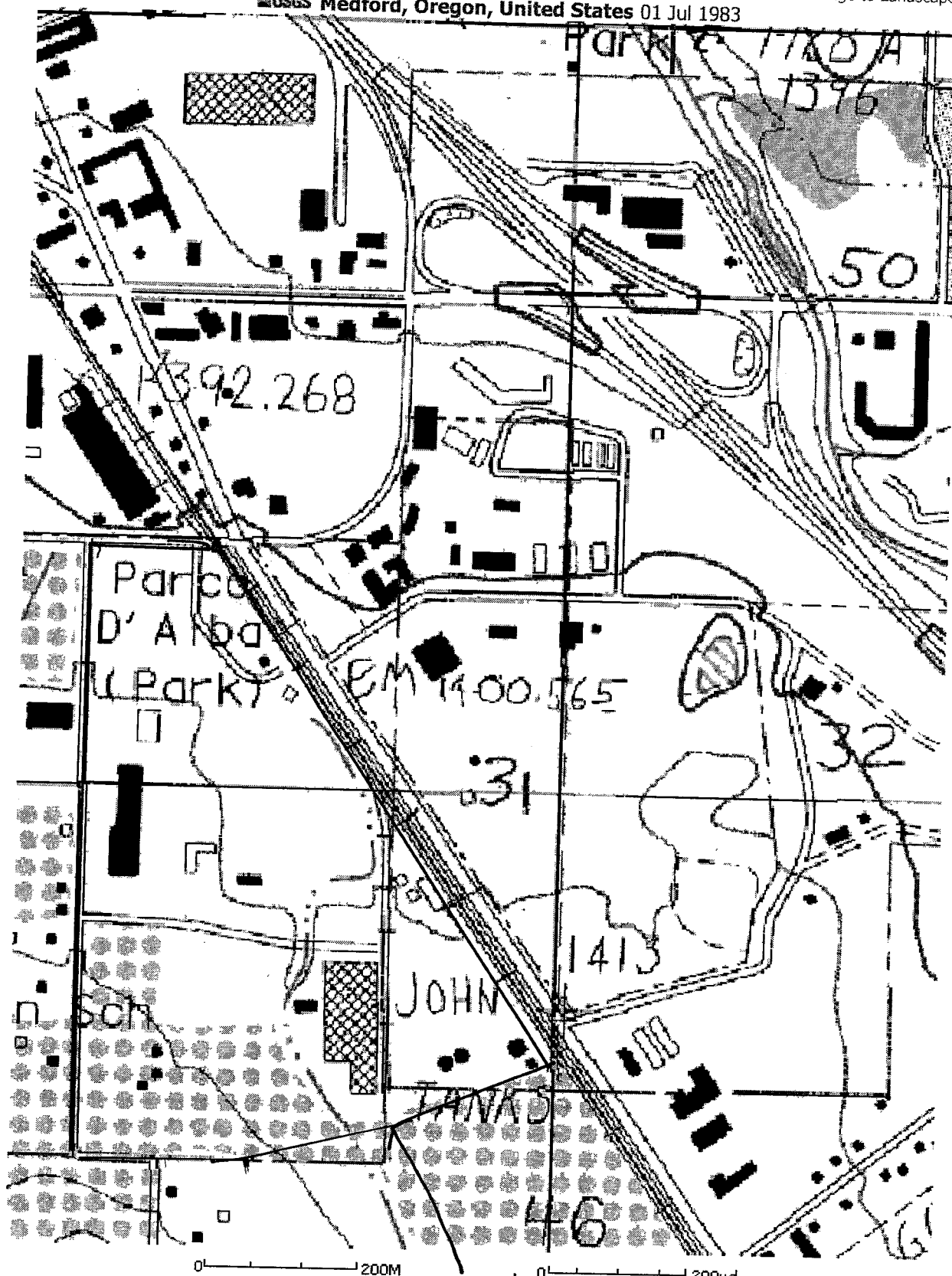
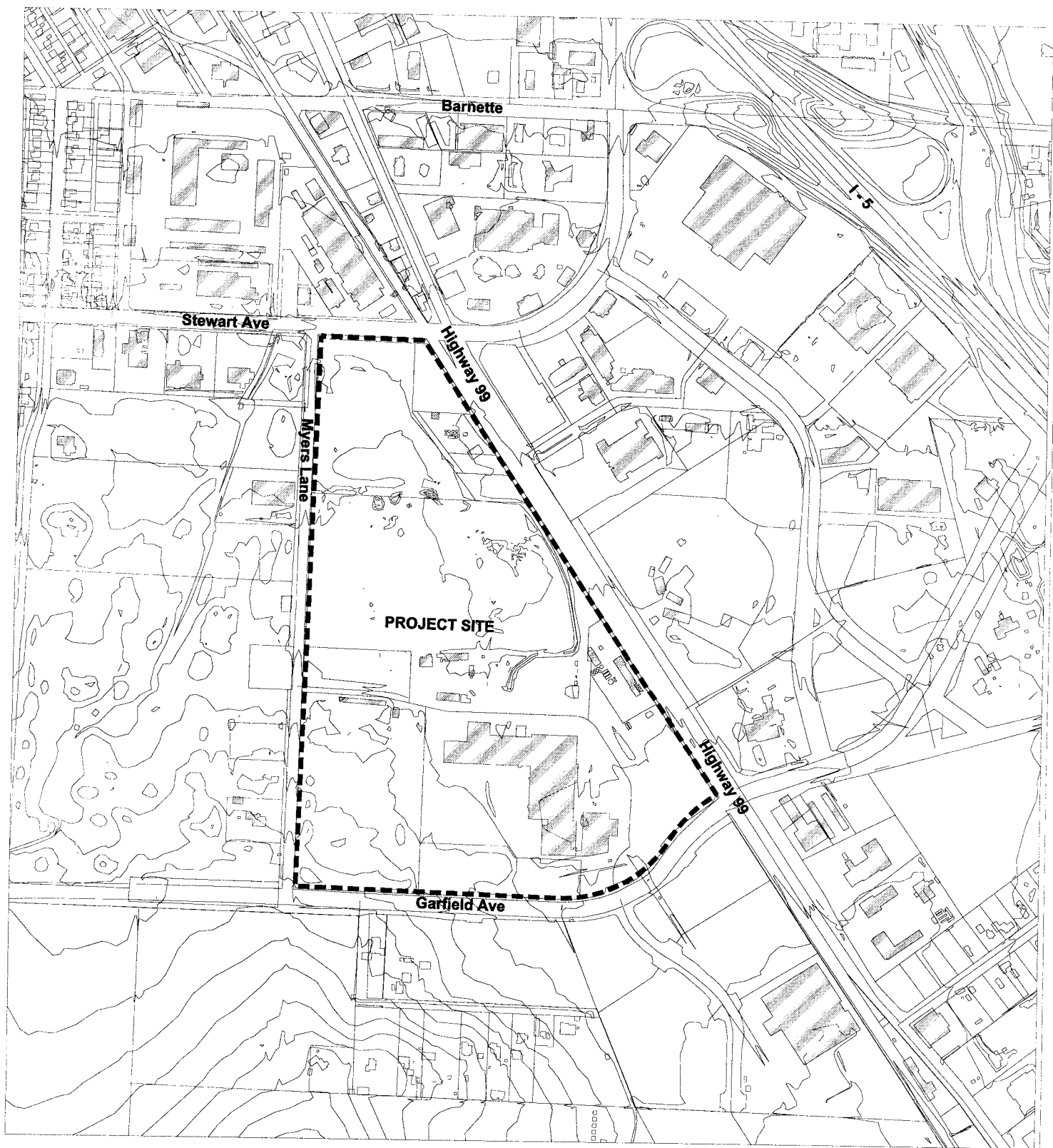


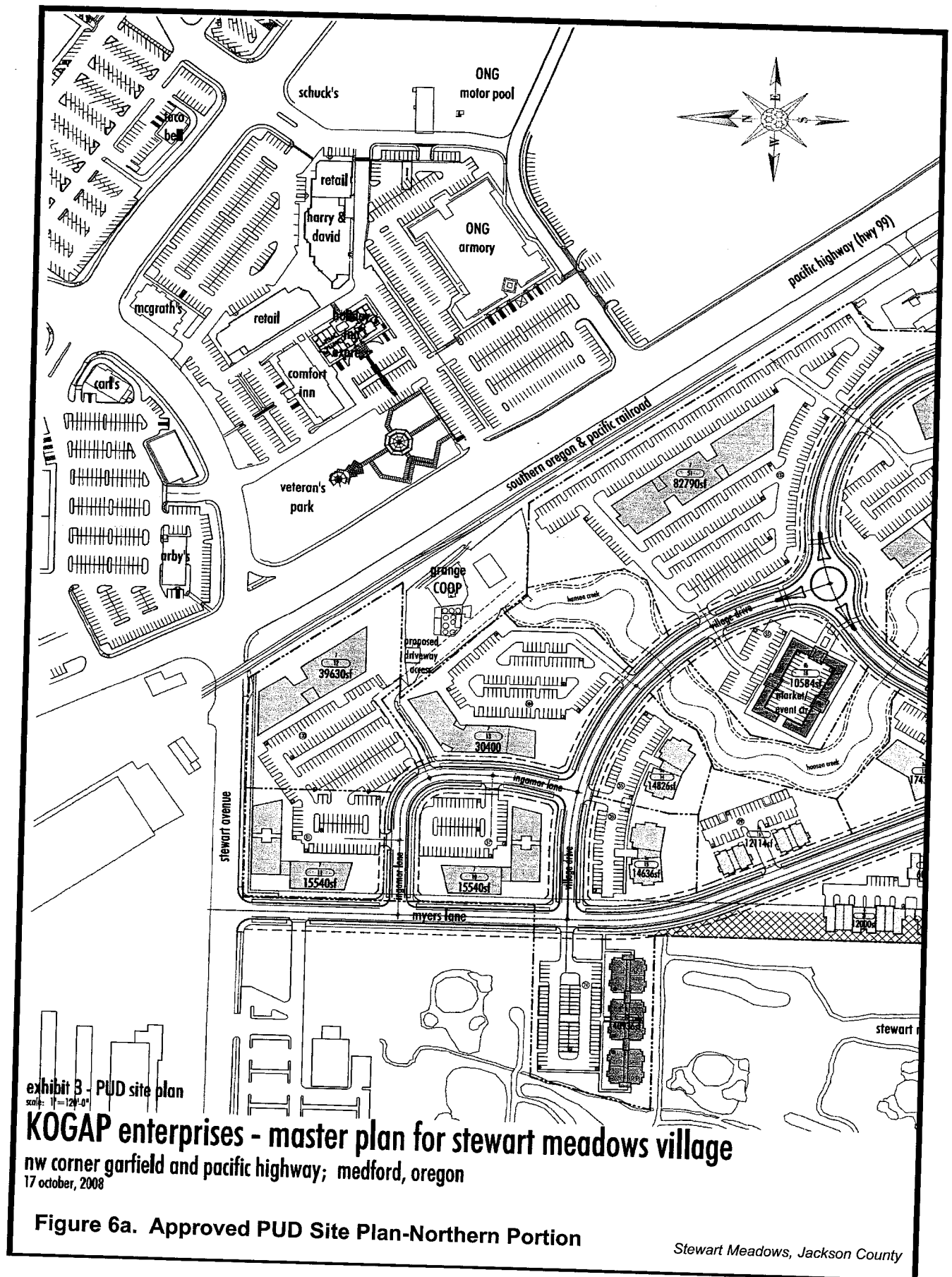
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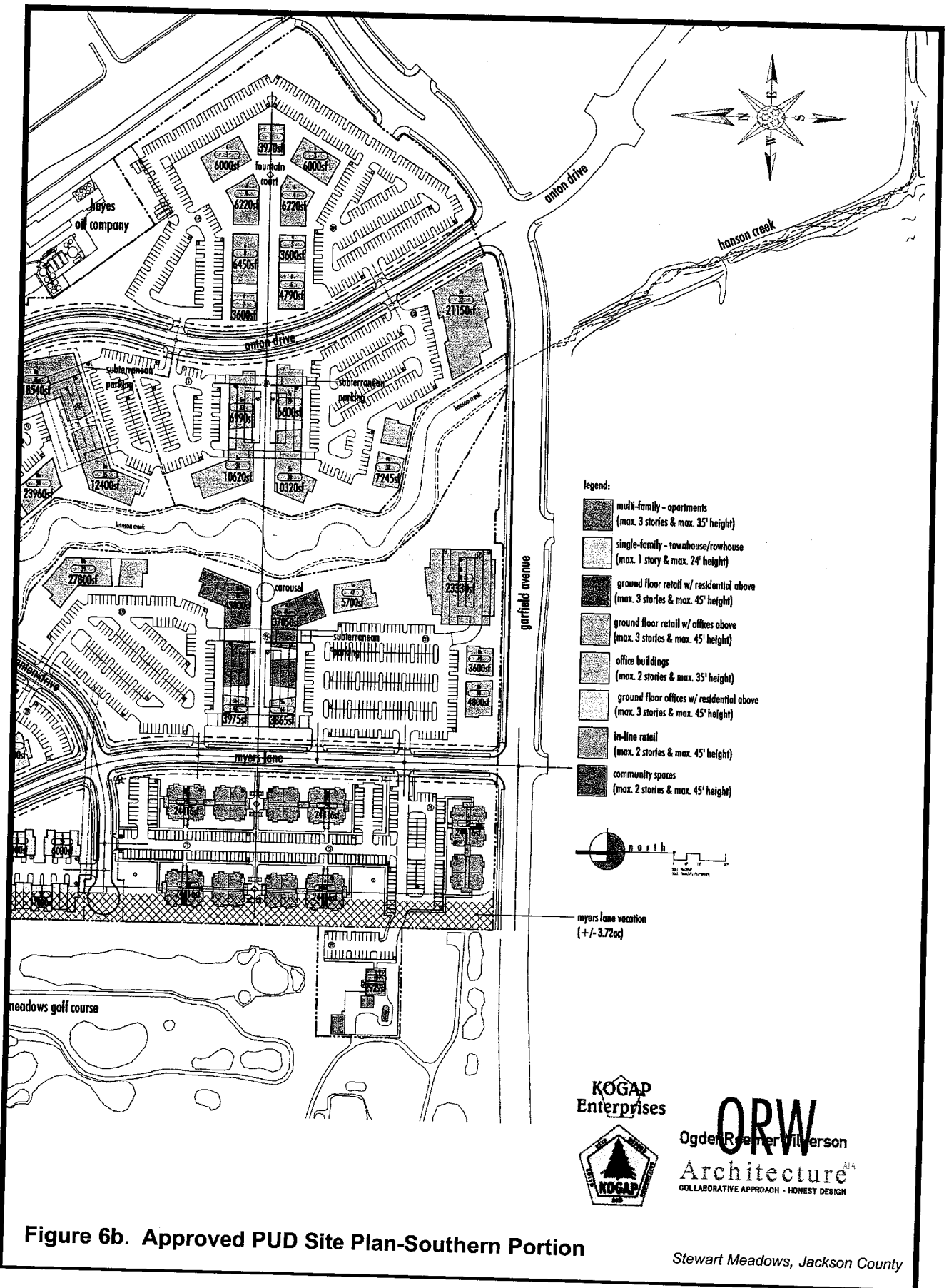


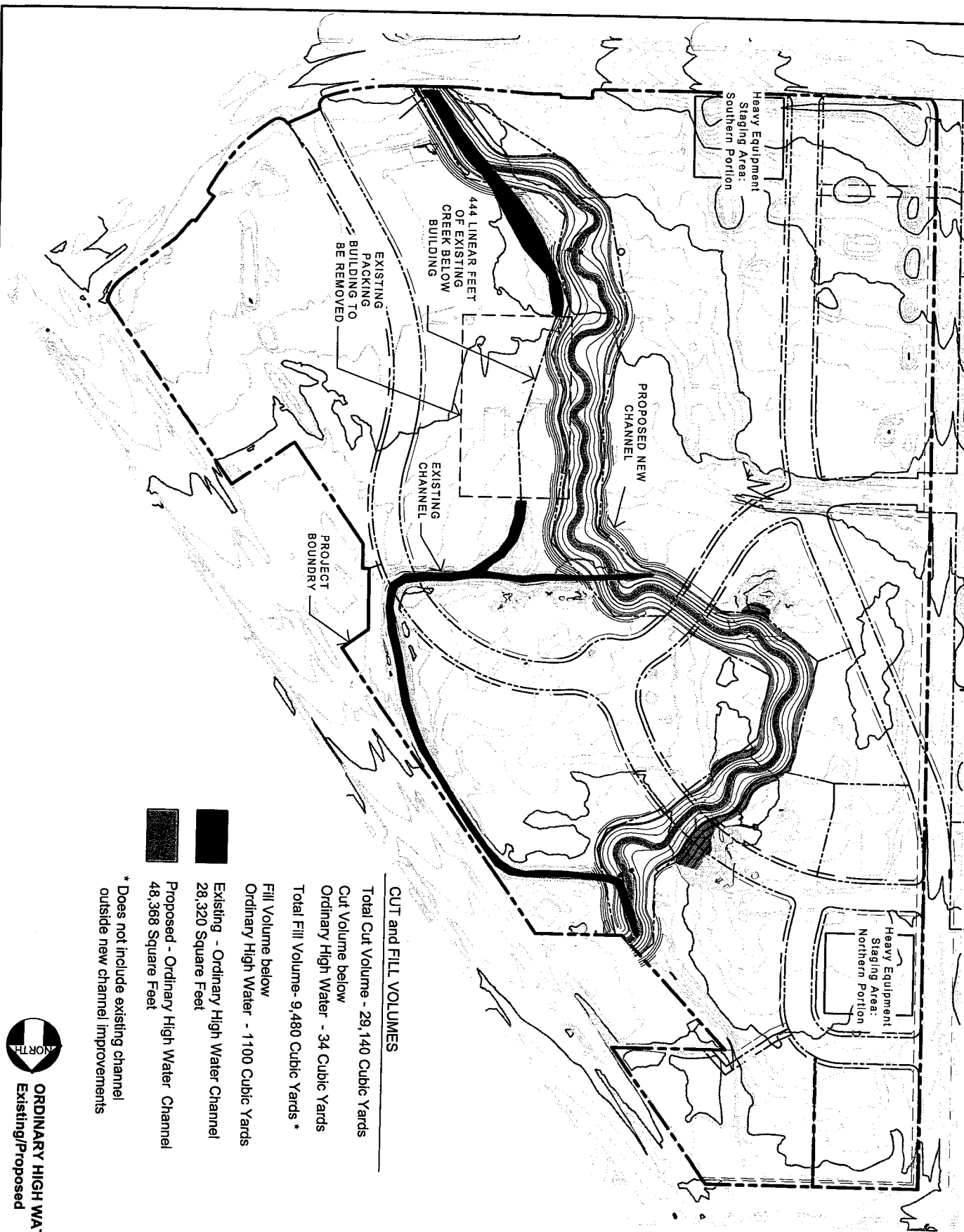
STEWART MEADOWS - HANSEN CREEK RE-ALIGNMENT ADDENDA 1 PROJECT LOCATION

SCALE 1" = 600'

JULY 3, 2009







CUT and FILL VOLUMES

- Total Cut Volume - 29,140 Cubic Yards
 - Cut Volume below Ordinary High Water - 34 Cubic Yards
 - Total Fill Volume - 9,480 Cubic Yards *
 - Fill Volume below Ordinary High Water - 1100 Cubic Yards
 - Existing - Ordinary High Water Channel 28,320 Square Feet
 - Proposed - Ordinary High Water Channel 48,368 Square Feet
- * Does not include existing channel outside new channel improvements



ORDINARY HIGH WATER
Existing/Proposed



KenCairn
Landscape Architecture

Tel: 541.488.3194 545 A Street
Fax: 541.552.9512 Ashland, OR 97520
Cell: 541.601.5559 kerry@kencairnlandscape.com

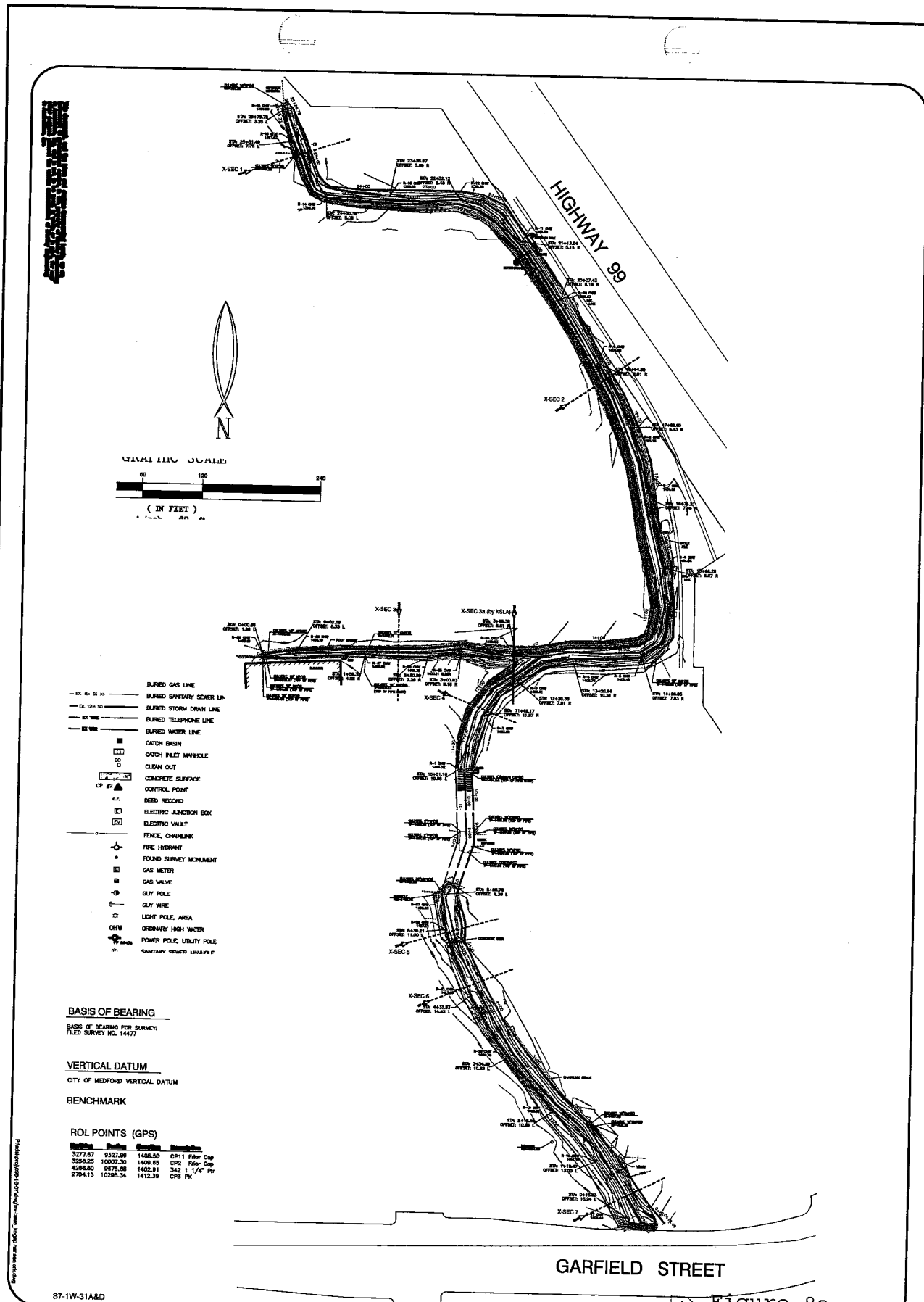


Figure 8a

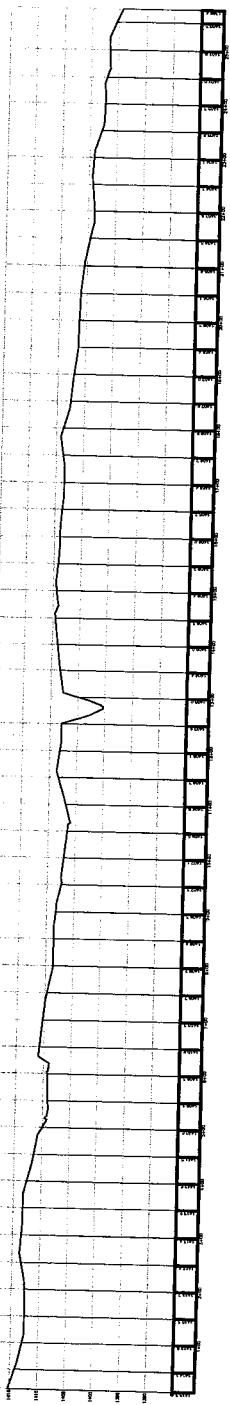
SHEET: 1 of 3
 SURVEYOR: BY: LAND SURVEYOR
 DRAWN: 04/2007 BY: REC
 CHECKED: 04/2007 BY: RLB
 FILE NO.: 008-18-07
 DRAWING FILE:

TOPOGRAPHIC SURVEY
STEWART MEADOWS VILLAGE
HANSEN CREEK REALIGN & RECLAIM
 KOGAP ENTERPRISES 115 STEWART AVE, MEDFORD, OR.

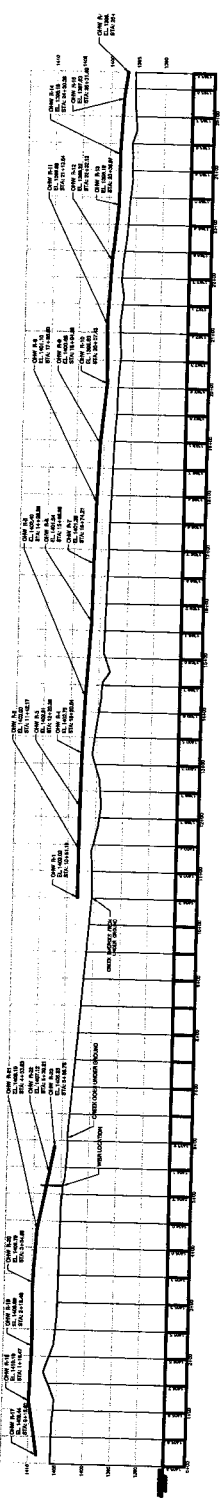
Hardy Engineering & Associates, Inc.
HEA

PROFILES

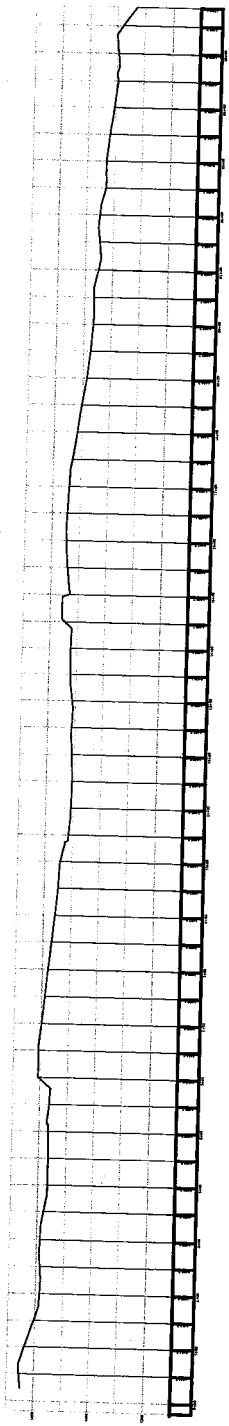
HANSEN CREEK TOP OF BANK, WEST



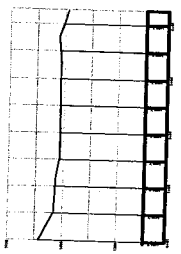
HANSEN CREEK CENTERLINE PROFILE & OHW LINE



HANSEN CREEK TOP OF BANK, EAST



HANSEN CREEK WESTERLY ARM, CENTERLINE PROFILE



SCALE: 1" = 10' VERTICAL
1" = 100' HORIZONTAL

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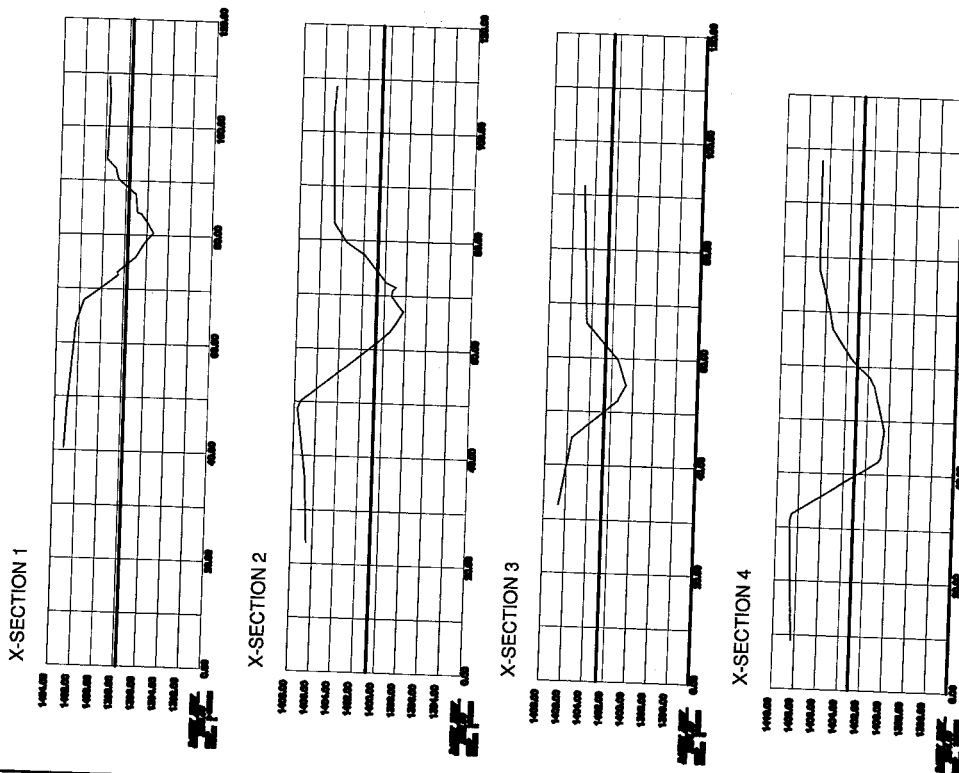
Hardey Engineering & Associates, Inc.
ENGINEERING INTEGRITY
P.O. BOX 1829
MEDFORD, OREGON 97501-0083
PHONE: 541-772-8800
FAX: 541-772-8020
E-MAIL: info@heai.com

TOPOGRAPHIC SURVEY
STEWART MEADOWS VILLAGE
HANSEN CREEK REALIGN & RECLAIM
KOGAP ENTERPRISES 115 STEWART AVE. MEDFORD, OR.

SHEET: 2 of 3
SURVEYOR: LAND SURVEYOR
DRAWN: BY: REC
CHECKED: BY: REC
FILE NO.: 09-16-07
DRAWING FILE: Hansen Meadows Village
REVISIONS: 12/31/07

CROSS SECTIONS

SCALE: 1" = 5' VERTICAL
1" = 10' HORIZONTAL



NOTE: CROSS SECTION LOCATION
SHOWN ON SHEET 1

Figure 8c

X-SECTION 5

X-SECTION 6

X-SECTION 7

Harley Engineering & Associates, Inc.
ENGINEERING INTEGRITY
P.O. BOX 1628
MEDFORD, OREGON 97501-0628
PHONE: 541-772-8800
FAX: 541-772-9573
EMAIL: info@heai-inc.com

TOPOGRAPHIC SURVEY
STEWART MEADOWS VILLAGE
HANSEN CREEK REALIGN & RECLAIM
KOGAP ENTERPRISES 115 STEWART AVE., MEDFORD, OR.

PROFESSIONAL LAND SURVEYOR
SHEET: 3 of 3
SURVEYOR: BY: REC
DRAWN: 04/2007 BY: REC
CHECKED: 08-16-07
FILE NO.: 080-16-07
DRAWING FILE: 080-16-07
REVISIONS: 12/31/07